

MEMORANDUM

January 13, 2017

TO: County Council

FROM: Marlene Michaelson, Senior Legislative Analyst

SUBJECT: Greater Lyttonsville Sector Plan

This memorandum presents the recommendations of the Planning, Housing, and Economic Development (PHED) Committee regarding the Greater Lyttonsville Sector Plan. A separate memorandum from Glenn Orlin addresses the transportation and school issues in the Plan. Attached on © 1-11 are memoranda from Councilmembers Elrich and Hucker addressing this Plan. The Committee asked Staff to draft several changes to the Sector Plan. Specific language drafted to respond to the Committee's request, but not reviewed by the Committee, is shown in *italics*.

Councilmembers should bring their copy of the Plan to the meeting.

BACKGROUND

Greater Lyttonsville, located in western Silver Spring, is a culturally diverse community of approximately 8,100 people. About 70 percent of its residents are African American, Hispanic, or Asian. The vision of the Sector Plan is to preserve the integrity of the area's neighborhoods along with their special heritage and character, while strategically encouraging mixed-use development near transit and expanding parks, trails, and open spaces. The area will have 2 Purple Line light rail stations and the Plan seeks to leverage those transit facilities, address community needs, and enhance neighborhood amenities. Page 2 of the Plan describes its goals of:

- **Preserving** the African American heritage, unique industrial and suburban character, and well established residential neighborhoods;
- **Enhancing** the industrial district and the transportation network; and
- **Expanding** parks, trails, and open spaces.

Pages 3-4 of the Sector Plan describe its **3 overarching objectives**:

- **Commercial Affordability:** Preserve existing businesses (including most industrially zoned land) and attract new ones.
- **Housing Affordability:** Preserve the existing number of rent-restricted and market-rate affordable housing units and expand opportunities for low and moderate income households. Provide a range of housing opportunities that would allow aging in place.
- **Public Benefits and Amenities:** Provide gathering spaces and other public amenities to serve existing and future residents.

The Council received significant testimony on the Plan, with almost equal numbers supporting and opposing the Plan. Most common, however, were the comments of those who supported redevelopment, but questioned whether the amount of new development allowed by the Plan would be too great.

Some were convinced that redevelopment was essential to allow the community to continue successfully, to more clearly delineate commercial from residential development, and to prevent the ultimate deterioration of the existing community without reinvestment. A common characterization of the Plan (and the EYA development proposal in particular) among those who supported the plan was that it presented a “once in a generation opportunity for positive investment in the community”. Others expressed concern regarding the amount of redevelopment and whether it would destroy elements of the existing community they treasure. One resident expressed a concern that the Sector Plan will “erase both the legacy and heritage of Lyttonsville, which would deny future descendants the opportunity to share our family’s history with our children and grandchildren.” Another individual quoted planning scholars on the “power of place” and the sense of identity that is connected to place.

Some individuals suggested limiting the total additional development to either 800, 1,000, or 1,750 dwelling units or to a floor area ratio (FAR) of 1.5.¹ Numerous individuals and groups testified in favor of the Plan’s recommendations to preserve the industrial zoning that has allowed so many businesses to thrive in this area. A few people complained that the Sector Plan did not provide for a grocery store, but the Plan recommends a significant increase in commercial development, which would allow for a grocery store. Master plans do not specify which retail uses should be provided on specific sites, but the increase of both residential and commercial space increases the likelihood that the community will support a new grocery store.

The following chart indicates the total development that would occur if each property developed to its **maximum potential** under the existing and recommended zoning, which in many cases would require that the existing development be demolished and rebuilt to the full potential of the zone – something which rarely happens. To obtain the maximum commercial densities, all existing residential development in areas zoned Commercial/Residential Town (CRT) would have to be demolished and replaced with buildings that **all** have ground floor retail.

¹ As shown in the table below, the Plan as submitted could allow up to 2,622 more units than allowed by existing zoning or 3,076 more units than exist today.

LYTTONSVILLE DEVELOPMENT			
	Existing Development	Maximum Under Existing Zoning (including existing)	Maximum Allowed Under Planning Board Proposed Development (including existing)
Commercial (sf)	76,809	122,436	1,266,151
Industrial	1,418,996	8,780,995	8,927,317
Residential Total (DU)	3,362	3,816	6,438
Residential, Single-Family (DU)	499	549	749
Residential, Multi-Family (DU)	2,863	3,267	5,689

The PHED Committee recommendations result in less potential density on Site 8aiv (Claridge House) and a few more units on Site 9 (assorted commercial and industrial buildings) for a net decrease of 55 units. Potential commercial development on Site 8aiv is reduced by 44,449 square feet. The Committee does not recommend any change in industrial development potential.

AREAWIDE APPROACH

The Areawide Approach is presented in Chapter 2, with key goals on page 21. They include the following:

- Expand options for neighborhood-serving retail.
- Better define the boundary between industrial and residential neighborhoods using the Purple Line right-of-way.
- Create a cohesive and identifiable industrial district.
- Preserve the industrial community along Brookeville Road, Warren Street, and Linden Lane.
- Preserve institutional uses.
- Expand multi-family residential developments near transit in a context-sensitive manner.
- Maintain single-unit zoning classifications to preserve established residential neighborhoods.

Recommendations to achieve these objectives follow on page 21 of the Plan.

Virtually all the testimony the Council received supported these key goals. To the extent that residents objected, it was generally to the amount of multi-family development, not the goal of adding new development near transit.

HISTORY OF GREATER LYTTONSVILLE

The History of Greater Lyttonsville is described on pages 26-31 – from plantations during the 18th century – to country estates and a pre-Civil War free black settlement in the 19th century (started by Samuel Lytton, for whom the area is named) – to a diverse community in the 20th century that continues today. The Plan documents the challenges faced by residents on page 27:

“Over the years, Lyttonsville faced daunting challenges, including railroad takings, industrial rezonings, several rounds of residential displacement and negative environmental impacts from nearby industrial, military and public facilities. In addition, school desegregation battles, threatened school closures, grossly inadequate housing and infrastructure, and the loss of The Pines – a nearby black neighborhood, threatened stability. The community persevered through strong advocacy and creative efforts to forge bonds with adjoining communities and is today one of the oldest, historically black and most diverse neighborhoods in Montgomery County.”

The Plan describes development over the latter half of the 20th century, including the development of Federal Installations. Page 31 includes a list of recommendations that will recognize and preserve the African American heritage of the neighborhood, a great source of pride for many of the residents who submitted testimony to the Council. Many of these recommendations are unique for a master plan but, in Staff’s opinion, appropriate for Lyttonsville. They include the following:

- Incorporate historically oriented interpretive signage, markers, and commemorative art.
- Establish a history and art advisory committee.
- Establish a museum/interpretive space within the Plan area.
- Evaluate 20th century resources in the Sector Plan for historic preservation designation.

STAGING

Committee Recommendation: Add a staging plan to link residential development to the construction of the Purple Line.

The Committee believes that much of the new development in Lyttonsville should be linked to the construction of the Purple Line and therefore recommends adding a staging plan similar to the one included in the Chevy Chase Lake Plan. Since the primary concern is the impact of significant new residential development (and the Staging Plan should not impede the expansion of any existing industrial businesses), **Staff recommends that only residential development be staged.**

STAGING

Staging is recommended for residential development in the Greater Lyttonsville Sector Plan area to ensure that infrastructure, specifically the Purple Line, is under construction before significant development can proceed. Staging is applied to the entire Sector Plan area. New commercial and industrial development is exempted from staging and may proceed at any time. Before Stage 1 begins, the following must occur:

- *Approval of the Sectional Map Amendment.*
- *Approval of the Greater Lyttonsville Design Guidelines.*

Stage 1 – The following is allowed:

- *New commercial and industrial development.*
- *Residential properties with development plans approved prior to the adoption of the Sector Plan.*
- *New residential development that:*
 - *is developed by or in partnership with an affordable housing provider recognized by the Department of Housing and Community Affairs (DHCA), such as, but not limited*

to, the Housing Opportunities Commission, Montgomery Housing Partnership, and Friends Nonprofit Housing; and

- *provides approximately 20% of the total residential units as income-restricted units (MPDUs or Workforce housing) or an appropriate percentage as determined through negotiation with DHCA.*

Before Stage 2 begins, the following must occur:

- *Segment 1 of the Purple Line must be funded and under construction.*

Stage 2

- *All development is allowed.*

AFFORDABLE HOUSING

Committee Recommendation: Add language to the Sector Plan describing the existing and proposed affordable housing development and identifying affordable housing as a priority public benefit. Directed Council Staff to strengthen affordable housing language where possible. The Committee does not recommend delaying approval of the Sector Plan until a draft of the Rental Housing Study is complete.

There are 8 multi-family housing developments within the Lyttonsville Sector Plan area, with a total of 2,588 units. All units are considered affordable: 567 are rent restricted or subsidized; the remaining are market affordable for households with income at 56-83 percent of Area Median Income (AMI), but have no restriction on the incomes of tenants.

As noted earlier, one of the 3 overarching principles of the Sector Plan is the preservation of affordable housing (see pages 3-4). This section indicates that the Sector Plan aims to “preserve the existing number of rent-restricted and market-rate affordable housing units in the Plan area” and “expand the housing opportunities for low and moderate income households in transit-convenient locations”. The Sector Plan recommends the CRT zone to “allow for redevelopment if the structures become obsolete and not cost-effective to rehabilitate but does not incentivize them to redevelop immediately.” (Appendix A, page 3).

The Council has discussed on several occasions the challenges associated with preserving existing market-rate affordable housing. In 3 prior master plans, the Council did not rezone existing market-rate affordable housing, because it was concerned that redevelopment would change the affordability (Woodmont Triangle, Long Branch, and Glenmont). The Council directed the Planning Department to undertake a study focused on the preservation of **existing units**² and decided that no change in zoning should occur on key properties in each of these 3 plans until this study was complete.

This Sector Plan includes several specific recommendations to achieve its affordable housing recommendations that are listed in the chart attached at © 12-14. Staff expressed concern about several of these recommendations and the Committee directed Staff to draft improvements where possible. In the property by property discussions that appear below, Staff has added descriptions of **existing**

² There have been several studies of how to provide affordable housing in new development and the County has the Moderately Priced Dwelling Unit (MPDU) program to provide affordable housing in new development. There had not been similar efforts to identify ways of preserving existing affordable housing, particularly in the rental market.

affordable housing, strengthened recommendations related to **proposed** affordable housing on each site and added recommendations where they do not exist, and that appeared to be the Plan's intent.

In addition, Staff recommends clarifying and defining the types of affordable housing for consistent use in this and other master plans. These new definitions should be added to the Sector Plan Appendix rather than be included in the body of the Plan.

The Lyttonsville Sector Plan refers very generally to affordable housing without describing the type of housing or the specific goals of the Sector Plan. Council staff has identified four types of affordable housing: Income Restricted Affordable Housing, Income Restricted Workforce Housing, Market Rate Affordable Housing, Rent Restricted Affordable Housing.

Income Restricted Affordable Housing: A Moderately Priced Dwelling Unit (MPDU) or a dwelling unit built under government regulation or binding agreement requiring the unit be affordable to households at or below the income eligibility for the MPDU program. Occupants must meet income requirements.

Income Restricted Workforce Housing: Defined in Chapter 25B as housing that is affordable to households at or below 120% area wide median income (AMI). Occupants must meet income requirements. (Note that the Lyttonsville Sector Plan does not recommend or require Workforce Housing. In the Chevy Chase Lake Plan, Workforce Housing was limited to up to 100% of AMI.) When a master plan refers to Workforce Housing as a part of its affordable housing goals or requirements, incomes are limited to 100% of AMI.

Market Rate Affordable Housing. There is no definition in code or elsewhere. The term is used to describe rents that occur in the market place and not subject to government rules or requirements (and therefore not income-restricted). For Lyttonsville, the apartments identified as market rate affordable have rents affordable to households at MPDU incomes or slightly above MPDU incomes.

Staff proposes the following definition for "market rate affordable" in order to give guidance for what the criteria would be for an agreement to preserve market rate affordable units:

Market rate affordable dwelling units are affordable to households earning no more than 80% of area median income, adjusted as MPDUs for household and unit size, and must not exceed the median rent for the planning area.

Rent Restricted Affordable Housing: This term is not currently defined in County code or commonly used, but appears to be the best term to describe housing where rent increases will be limited and there is no income test for the tenant. The Lyttonsville Sector Plan attempts to require rent restricted affordable housing on the Rollingwood and Summit Hills properties to be required when redevelopment occurs via an agreement with the Department of Housing and Community Affairs (DHCA). The preservation of market rate affordable housing may require an agreement that both establishes the baseline rent (priced to be affordable at 80% of AMI) and rent restrictions (such as requiring that rents increase by only the Voluntary Rent Guideline).

Staff further recommends clarifying the goals associated with the redevelopment of public properties in Lyttonsville. On page 3 under the Section entitled "Housing Affordability", add a new bullet as follows:

- *The potential redevelopment of public land (including land owned by the County, the Washington Suburban Sanitary Commission, and the State) may provide opportunities for a greater amount of income-restricted affordable housing than the minimum required by law.*

The Committee concurred with Staff's recommendation that the Planning Department be asked to address the broad Countywide policy questions previously identified by the Council that are not specific to this Sector Plan and will not be resolved before adoption of the Sector Plan, including the following:

- Whether the County's primary focus should be on preserving and increasing **income-restricted** affordable housing or whether it is important to also encourage the retention of existing market-rate affordable housing units, which could be occupied by individuals and families with incomes significantly higher than the income necessary to require affordable housing.
- Whether it is advisable to retain and increase affordable housing in areas that already have more affordable housing than elsewhere in the County or whether it is more important to encourage an increase in areas that either fall below the average number of affordable units in other planning areas or below the 12.5% threshold in the MPDU law for new development.
- How to preserve market rate affordable units in properties that will not be subject to Planning Board review of a development project.

DISTRICT RECOMMENDATIONS

Chapter 3 of the Plan presents property specific recommendations for 4 districts: the Woodside/16th Street Station Area, the Residential Area, the Brookville Road/Lyttonsville Station Area, and the Industrial/Institutional Area.

Woodside/16th Street Station Area

The Sector Plan identifies 4 properties for rezoning in the Woodside/16th Street Station Area. A fifth property, the Barrington Apartments, is not mentioned in the Sector Plan because it is not recommended for rezoning, but the **Committee recommends adding text that describes this development and the fact that it provides over 400 apartments; 395 are income-restricted.** Planning Department staff prepared the following language:

*The **Barrington Apartments** is a Low-Income Housing Tax Credit project located on the East side of the Plan area. It is a significant provider of affordable housing serving a variety of different income levels. The garden style development also acts as an appropriate transition between the higher density of Summit Hills and the Rosemary Hills community. There is still considerable development potential on the site under its existing R-10 zoning.*

The Spring Center

Committee Recommendation: Support the Sector Plan recommendations for this site.

Text in Sector Plan: page 68

Map in Sector Plan: page 69

Site number: 1

Existing Zoning: CRT 0.75, C 0.75, R 0.5, H 40

Proposed Zoning: CRT 3.0, C 1.5, R 2.0, H 70

Plan Recommendations: This is the site of one of the 2 Purple Line stations planned for Lyttonsville. The Plan recommends encouraging new mixed-use development, while maintaining compatibility with the adjacent residential neighborhood. The Sector Plan recommends retaining the existing CRT, but increasing the density and height.

Testimony: None specific to this property.

Committee Discussion: The Committee discussed whether this site should have higher density since it is the location of one of the 2 Purple Line stations, but concluded that the Plan's recommendations are appropriate given the small size of the property.

Summit Hills Apartments

Committee Recommendation: Support the Sector Plan recommended zoning for this site. Clarify that parks recommendations linked to redevelopment are not likely to occur during the life of this Sector Plan.

Text in Sector Plan: page 68

Map in Sector Plan: page 69

Site number: 2

Existing Zoning: R-10

Proposed Zoning: CR 2.5, C 0.25, R 2.5, H 145

Plan Recommendations: This 30 plus acre site has approximately 1,100 residential units in 9 buildings. Many of the units are larger units suitable for families. The Plan recommends rezoning this property to the CR zone to permit a transitional, mixed-use development between Downtown Silver Spring and Greater Lyttonsville. The increase in allowable density is meant to encourage future infill development or redevelopment. The Plan recommends that heights step down from the maximum 145 feet to 70 along East West Highway and toward other housing with lower heights. It also recommends the creation of new parks when redevelopment occurs, including a new civic green near the highest concentration of commercial and civic uses and the daylighting of the Fenwick Branch of Rock Creek, providing a new Urban Greenway Park along the property's western edge. The Plan also includes the following:

“Prior to sketch plan approval, the applicant or applicants must coordinate with the Department of Housing and Community Affairs (DHCA) to determine affordable housing preservation needs on the site. A rental agreement with DHCA should be required at the time of regulatory approval if preservation is deemed necessary by DHCA.”

Testimony: The property owner, Summit Hills LLC, has requested zoning of CR 5.0, C 1.0, R 4.0, H 200. They believe that this property's proximity to the Purple Line Station justifies higher density, transit-oriented development. They indicated that since the “rental apartments are thriving with high

occupancy rates and very low debt”, they would be unlikely to redevelop the property without greater incentives (density and height) than provided by the Planning Board Draft Plan, especially in light of the Plan requirements for parkland, the loss of parking with the creation of the Greenway, and the requirement for a rental agreement with DHCA.

Committee Discussion Comments: The Committee supports the Plan recommended zoning and does not believe the benefits of redevelopment of this site justifies heights and densities significantly greater than recommended in the Sector Plan. While this may be true at some future point, the Committee concurred with Staff that the existing housing serves an important role, providing market rate affordable housing with larger units close to transit. Since the units are not approaching obsolescence, the Committee believes the benefits of retaining the existing units at this time outweigh potential negative impacts of the increased density at this location.

Staff recommends the following modifications to the bullet on page 68 that describes the preservation of affordable housing:

[Prior to] Before the Board may approve a sketch plan [approval] application, the applicant or applicants must coordinate with the Department of Housing and Community Affairs (DHCA) to determine affordable housing preservation needs on the site. Consistent with the goals of this Plan, the Board may approve a sketch plan application for the Optional Method of Development of Site 2 only if the applicant has entered into a [A] rental agreement with DHCA [should be required at the time of regulatory approval if preservation is deemed necessary by DHCA] to address preservation of affordable units.

8600 16th Street

Committee Recommendation: Amend the zoning to allow a height of 100 feet to ensure that the existing 100-foot-tall building does not become non-conforming. Add text indicating that the height of new development may be restricted to less than 100 feet to meet the Sector Plan objectives.

Text in Sector Plan: page 69

Map in Sector Plan: page 69

Site number: 3

Existing Zoning: R-10

Proposed Zoning: CRT 2.5, C 0.25, R 2.5, H 70

Plan Recommendations: The Plan recommends rezoning this property to the CRT zone to allow for potential redevelopment on the site or redevelopment in the long term to better relate to 16th Street. The height was limited to 70 feet to limit height of new development along 16th Street.

Testimony: The property owner, Bradford Place LLC, supports the CRT zoning and recommended density, but objects to the recommended height since the existing building is 100 feet and the property is not adjacent to any single-family homes, but rather is adjacent to the CSX/MARC and Metro tracks, 16th Street, and other multi-family housing. They request that the height be increased to 100 feet.

Committee Discussion: The Committee does not support a zone that would make the existing building non-conforming and therefore does not support the Sector Plan recommendation. Instead, the

Committee recommends setting the height at 100 feet so that the existing building would not become non-conforming. The Sector Plan should include language indicating that the design guidelines will have further recommendations related to the height of buildings along 16th street to ensure compatibility with other buildings and a comfortable pedestrian experience.

Park Sutton Condominium

Text in Sector Plan: page 69

Map in Sector Plan: page 69

Site number: 4

Existing Zoning: R-H

Proposed Zoning: R-10

Committee Recommendation: Support the Sector Plan recommended zoning.

Plan Recommendations: Since the R-H zone is being phased out, the Plan recommends rezoning the Park Sutton Condominium to R-10, the most comparable high-density residential zone.

Testimony: None.

Committee discussion: While the Committee supports the Sector Plan's intent to remove the R-H zoning and replace it with a similar high-density residential zone, the PHED Committee has previously discussed the problems with the R-10 zone and the need to either amend it or replace it with a zone that provides many of the benefits associated with the CR zone, but with a completely residential focus.³ The Committee does not believe that can occur in the timeframe of this Sector Plan, but recommends further work on this issue.

Residential Area

The Sector Plan identifies 5 properties for rezoning in the Residential Area.

The Rollingwood Apartments

Text in Sector Plan: page 75

Map in Sector Plan: page 76

Site numbers: 5a and 5b

Existing Zoning: R-20

Proposed Zoning: CRT 1.5, C 0.25, R 1.5, H 85

Committee Recommendation: The Committee majority supports the Sector Plan recommended zoning. Councilmember Leventhal supports the Staff recommendation to split zone the property to limit the potential for redevelopment on the southern portion of the property, while allowing redevelopment in the northern portion. The Committee unanimously agreed that additional text should be added to the Plan to describe the limits of the area recommended for 85 feet.

³ The R-10 zone does not include any requirements for the provision of public benefits or purchase of Building Lot Termination rights, as required by the mixed-use Commercial/Residential (CR) zone. Historically, its lack of height limits and open space requirements led to the development of tall towers isolated from other buildings.

Plan Recommendations: The Plan recommends rezoning the Rollingwood Apartments (Site 5a) and the M-NCPPC Park site (Site 5b) from R-20 to the CRT 1.5 zone to allow redevelopment of the portion closest to the Purple Line Station. It encourages redevelopment to only occur on the northern portion and suggests the retention of “an affordable housing stock and unit mix (a minimum of 176 existing units) for up to 20 years” and operation of those units “in a manner consistent with current operations in terms of quality maintenance, relatively moderate rents and provision of larger than typical units.” It further notes that “this commitment should be incorporated into the Sketch Plan approval at the time of Planning Board approval.” The Plan encourages a land swap of 5b, which is a small area of unusable parkland owned by M-NCPPC adjacent to Lyttonsville Road, for property Federal Realty owns adjacent to Rosemary Hills – Lyttonsville Local Park.

Testimony: The Council received testimony from the property owner, Federal Realty, supporting the Sector Plan recommendations and the option of swapping Site 5b for property they own adjacent to Rosemary Hills – Lyttonsville Local Park. It also received testimony objecting to the height allowed on the property close to Lyttonsville Road (85 feet).

Staff Comments: Staff agrees that the CRT zone is the appropriate zone for this property, but questions whether the Sector Plan can prevent redevelopment on the south portion of this site. To accomplish this objective, Staff recommends split zoning Site 5A. On the southern portion, the zoning should reflect what is currently on the ground so that it does not provide an incentive for redevelopment. A higher density on the northern portion will enable them to concentrate density here, as intended by the Sector Plan. Staff notes that the Plan allows up to 85 feet on this site along Lyttonsville Road due to the topography of the site, which would make the additional height less noticeable.

Staff recommends adding the following language in response to the Committee request for a more detailed description of the limited portions of the site which are appropriate for the additional height.

- *If new buildings and a new access point associated with the redevelopment are placed directly along Lyttonsville Road as part of a negotiated land swap with the MNCPPC Parks Department [– which is the preferred option from an urban design standpoint], then a maximum height of 85 feet is appropriate given the steep topography on Site 5b. This is the preferred building placement from an urban design standpoint, provided that the [architectural scale of] facades facing Lyttonsville Road [provides an appropriate] relate to the pedestrian scale, and building heights of 85 feet only extend to a maximum depth of 90 feet as measured from the property line along Lyttonsville Road, stepping down to a maximum height of 65 feet (this measurement is derived from the maximum depth of Site 5b).*

Staff recommends that the first bullet on page 77, which addresses the preservation of affordable housing, be revised as follows:

In the event of a redevelopment proposal, [retain an affordable housing stock and unit mix (a minimum of 176 existing units) for up to 20 years and continue operating those units in a manner consistent with current operations in terms of quality maintenance, relatively moderate rents, and provision of larger than typical units] retain a minimum of 176 existing Market Rate Affordable Housing units. The Board may approve a sketch plan application for Rollingwood if, in addition to meeting Moderately Priced Dwelling Unit requirements, there is an agreement to maintain at least 176 units as Rent Restricted, Market Rate Affordable Housing units for at least 20 years. The unit mix should reflect the current mix in terms of number of bedrooms or provide a higher percentage of

three bedroom units. This commitment should be incorporated into the [Sketch Plan approval] appropriate regulatory approvals (sketch plan, site plan, and/or record plat) at the time of Planning Board review.

Paddington Square

Text in Sector Plan: page 77

Map in Sector Plan: page 76

Site number: 6

Existing Zoning: R-20

Proposed Zoning: CRT 1.25, C 0.25, R 1.25, H 65

Committee Recommendation: Support the recommended zoning but add language about the existing affordable housing and the two potential development options. The Housing Opportunities Commission (HOC) is considering the joint redevelopment of its property (Paddington Square) and development of properties owned by the Washington Suburban Sanitary Commission (WSSC – Site 7) and the County Government (Site 11b). HOC will have different objectives for Paddington Square depending on whether it is redevelopment as a single property or as part of a group of properties. **The Committee recommends that the Sector Plan present recommendations for both development options.**

Plan Recommendations: The Plan recommends rezoning this site from R-20 to the CRT zone to allow increased density for mixed-income housing near the Purple Line station, while also ensuring compatibility with the surrounding single-family residential development. (Paddington Square is owned and operated by the Housing Opportunities Commission (HOC)). On the portions closest to single-family detached units, it limits unit types and height to townhomes. Staff understands that HOC is considering a partnership with the developer EYA, which could result in the redevelopment of this site as well as the WSSC property, Friendly Gardens, and the County-owned property on 11b.

Testimony: EYA testified in support of the Sector Plan recommendations for this property. The Council received significant testimony in support of EYA's proposals for redevelopment on multiple sites in the planning area.

Staff Comments: To implement the Committee recommendations, Staff recommends the following additions to the Sector Plan to describe the existing affordable housing and what is anticipated when the site redevelops.

Paddington Square is a garden style apartment development located on the west side of the Plan area operated by the Housing Opportunities Commission (HOC). It presently has 164 units, of which 67 are subsidized.

HOC is exploring options to redevelop Paddington Square and two other properties in the Sector Plan area in partnership with a private developer (Site 7 – which is owned by WSSC and Site 11b, which is currently owned by the County). Should that occur, approximately 25 to 30 percent of total units should be income-restricted. The percentage may vary by site, but should not be less than 12.5 percent on any one site. If a homeowners' association fee or condominium fee is applicable to an MPDU, the fee should be set to ensure long-term affordability for households at MPDU incomes.

If HOC decides to redevelop only Paddington Square, their intent is to retain 30 percent income-restricted affordable housing.

MTA Supply Yard

Text in Sector Plan: page 78

Map in Sector Plan: page 76

Site number: 8b

Existing Zoning: IM-2.5

Proposed Zoning: CRN 0.25, C 0, R 0.25, H 35

Committee Recommendation: Support the Sector Plan recommendations for this site and send a letter to the Maryland Transit Authority (MTA) encouraging the proposed stormwater management pond for this site to be designed with Environmental Site Design techniques and built to be an amenity for the community. (A draft letter is attached at © 17-18.)

Plan Recommendations: This site is currently zoned industrial and is used as a supply yard. The Plan notes that this is the proposed location for a future MTA stormwater management facility and recommends rezoning the site to CRN with very limited height and density. On page 81, the Sector Plan expresses concern regarding MTA's plans for this pond, including that it is likely to be fenced from the community and designed without Environmental Site Design techniques or other progressive stormwater engineering methods.

Testimony: None.

Assorted Commercial and Industrial Buildings

Text in Sector Plan: page 78

Map in Sector Plan: page 76

Site number: 9

Existing Zoning: IM-2.5

Proposed Zoning: CRN 0.75, C 0.5, R 0.75, H 45

Committee Recommendation: Increase the total and residential FAR from 0.75 to 1 to encourage redevelopment and clarify that the existing industrial uses will remain conforming until the property owners are prepared to redevelop consistent with the goals of the Sector Plan.

Plan Recommendations: This site contains light industrial buildings that house commercial and industrial businesses. Heavy truck access to this site will be compromised by a future railroad crossing on Stewart Avenue and therefore businesses that rely on truck deliveries will likely relocate as a result. The Plan's recommendation to convert this property from industrial to mixed-use zoning is also consistent with its strategy for other properties south and east of the Purple Line. Since this property has single-family residential development adjacent on the sides not confronting the Purple Line, the Sector Plan recommends the lower density CRN zone with a height and density that would support townhouse residential development.

Testimony: The property owners support the change to mixed-use zoning but have requested CRN 1.5, C 0.25, R 1.5, H 65 consistent with the recommendation in the Planning Board’s Public Hearing Draft (December 2015). They objected to the Planning Board decision to cut the density by half and believe they should have a higher density like other properties near the Purple Line Station. Without sufficient density, they indicate that they are most likely to maintain industrial uses, rather than redevelop as residential.

Committee discussion: The Committee believes that the townhouse form of development with a height limit of 45 feet is appropriate for this site, since there are single-family detached units on two sides of the property. To encourage the redevelopment of this existing industrial site, the Committee recommends raising the FAR to 1.0, but maintaining the height limit to ensure compatibility. In addition, the Committee asked for clarification that existing industrial uses would remain conforming until the property owners choose to redevelop. The existing uses would be grandfathered under the CRN zone and “may be continued, renovated, repaired, or reconstructed if the floor area, height and footprint are not increased, except as provided for in Section 7.7.1.C” (Section 7.7.1.A.1). Section 7.7.1.C indicates that the property may increase in height and density up to the limits of its previous zone until 2039. See memo from Planning staff on © 15-16.

In response to the Committee’s concerns, Planning Department staff recommend adding the following language to the Plan:

- *Until the vision of the Sector Plan is realized, existing uses and structures that do not support the vision or conform to new zoning can continue with limited expansion as allowed by Division 7.7 of the Montgomery County Zoning Ordinance.*

Vacant Residential Lot

Text in Sector Plan: page 78

Map in Sector Plan: page 76

Site number: 13

Existing Zoning: RT-15

Proposed Zoning: R-60

Committee Recommendation: Support the Sector Plan recommendations.

Plan Recommendations: This vacant lot is zoned RT-15 but is surrounded by R-60 zoned homes. The Plan recommends rezoning the lot to R-60 to be consistent with the surrounding zoning.

Testimony: None.

Brookville Road/Lyttonsville Station Area

The Sector Plan identifies 6 properties for rezoning in the Brookville Road/Lyttonsville Station area.

Washington Suburban Sanitary Commission (WSSC) Property

Committee Recommendation: Support the Sector Plan recommended zoning. Add language regarding proposed redevelopment under EYA/HOC joint development proposal.

Text in Sector Plan: page 82

Map in Sector Plan: page 83

Site number: 7

Existing Zoning: R-60 and IM

Proposed Zoning: CRT 1.5, C 0.25, R 1.25, H 65

Plan Recommendations: This property is owned by the Washington Suburban Sanitary Commission (WSSC) and is currently split-zoned R-60 and IM. The Plan recommends rezoning it to the CRT 1.5 zone to allow mixed-use development with multi-unit residential and commercial uses to be located closest to the Purple Line Station. The text on page 82 and the map on page 25 limits the residential density to 1.25, whereas the map on page 83 allows a residential density of 1.5. The Sector Plan recommends 12.5% to 25% affordability on the site and a one-acre civic green.

Testimony: EYA generally supports the Plan recommendations, but asked that the map on page 25 and text on page 82 be revised to reflect the zoning shown on page 83 (i.e., a 1.5 residential FAR) or, alternatively, that the property be split zoned to allow the 1.5 residential on the western portion furthest from the Purple Line Station. At the Committee worksession, Planning Department staff indicated that the map on page 83 was in error and that it was the Planning Board's decision to limit the FAR to 1.25. The Council received significant testimony in support of EYA's proposals for redevelopment on multiple sites in the planning area.

Staff Comments: To implement the Committee recommendations, Staff recommends adding the following language:

If WSSC can relocate and dispose of its property for mixed-use development, it may provide an opportunity for HOC, together with a private developer, to place a significant amount of income-restricted affordable housing at this site (resulting in 25 to 30% affordable housing on HOC properties combined).

[Provide for 12.5% to 25% affordability on site.]

Claridge House and Friendly Gardens

Text in Sector Plan: page 84

Map in Sector Plan: page 83

Site number: 8a (i-iv)

Existing Zoning: R-H, IM, RT, and R-20

Proposed Zoning: 8ai and 8aii – CRT 2.5, C 0.25, R 2.5, H 70

8aiii – CRT 1.5, C 0.25, R 1.5, H 70

8aiv – CRT 2.0, C 0.25, R 2.0, H 70

Committee Recommendation: Support the Sector Plan recommended zoning for sites 8ai, 8aii, and 8aiii and amend the zoning for Site 8aiv (Claridge House) to be consistent with existing

development and allow for a potential increase in density via a future local map amendment. Add text to the Sector Plan to describe the existing affordable housing on Friendly Gardens.

Plan Recommendations: There are four different properties that compose area 8a. These properties contain existing, multi-unit buildings known as Claridge House and Friendly Gardens, as well as landscape contractor storage yards. The properties lack cohesive zoning and are currently zoned R-H, IM, RT, and R-20. The Plan recommends rezoning all 4 properties to the CRT zone, with greatest densities (CRT 2.5) closest to the Purple Line Station.

Testimony: EYA, who hopes to redevelop sites 8aii and 8aiii with the non-profit that owns and operates Friendly Gardens, supports the Sector Plan recommendations for these sites. The owner of Site 8ai (Companaro Properties LLC) also testified in favor of the Sector Plan recommendations and indicated that the proposed zoning is likely to lead them to sell the project for redevelopment instead of maintaining the existing landscape storage yard. The Council received significant testimony in support of EYA's proposals for redevelopment on multiple sites in the planning area. The Council also received testimony suggesting that the density should not exceed 1.5 in the planning area, without specifically commenting on the densities recommended for this site. The Council received testimony from one individual who suggested that the County acquire portions of 8ai and 8aii to create a park that would extend from the Purple Line Station to Stewart Avenue.

Committee Discussion: The Committee supports the zoning recommended for sites 8ai, 8aii and 8aiii, where property owners and potential purchasers have expressed an interest in redevelopment that would be appropriate for these locations and would maintain the affordable housing currently provided by Friendly Gardens. The Sector Plan does not describe the existing housing at Friendly Gardens or any assumptions regarding what is assumed for affordable housing in the future. The Committee believes this is important, especially since ownership can change over time. In response, Staff recommends the following addition to the Sector Plan:

Friendly Gardens (Site 8aiii) is a garden style apartment community located on the west side of the Plan area. It is owned by Friends Non-Profit Housing, whose sole purpose is to provide affordable housing to qualifying individuals and families in close proximity to Washington, DC. The vacant parcel behind Friendly Gardens (8aii) is owned by Lyttonsville Land Company, LLC, which is controlled by Friends Housing Trust, a nonprofit which shares the same mission as Friends Non-Profit Housing.

These non-profit organizations have indicated that their intent is to either retain the existing 84 income-restricted affordable units or replace them with an equal number of affordable units. If they are able to redevelop the property and increase the number of units, their goal is for additional development to be 25% income-restricted affordable. If the ownership changes and the property is redeveloped, a minimum of 15% income restricted affordable housing should be provided as a priority public benefit under the optional method of development.

The owners of Claridge House (site 8aiv) have not expressed an interest in redevelopment at this time. Redevelopment of this site might be appropriate in the long term (most likely beyond the life of this Sector Plan), but the Committee sees no reason to increase densities now given the concern expressed by some regarding the total number of additional housing units allowed by this Sector Plan. The Committee recommends rezoning the property to a CRT zone (which would ensure the provision of public benefits if redevelopment does occur), but recommends that the densities reflect what is existing

today. The Sector Plan should also indicate that this property may be appropriate for a higher density zone at a later time through a local map amendment rezoning.

To implement the Committee recommendation, Staff recommends changing the zoning to CRT 1.25, C 0.25, R 1.25, H 150 with language indicating that if the property redevelops, the height should be limited to be compatible with surrounding development. Although the proposed zoning limits capacity, additional mid-rise density could be accommodated in the future using density averaging with other properties or with a rezoning via a local map amendment.

Site 10

Committee Recommendation: Remove Sector Plan designation of Site 10 since the Sector Plan does not propose any changes for this area.

The map on page 83 of the Sector Plan identifies Site 10, but there is no text regarding this Site, nor is there a recommended change in zoning. Staff learned that Planning staff had proposed a rezoning for this property that was not supported by the Planning Board; the Plan confirms the existing IM zone. It was identified in the Planning Board Draft to document this decision. Since there is no change or text to explain why it is identified on the map, Staff recommends the map in the Approved Plan delete this identification.

Industrial/Institutional Area

The Sector Plan identifies 3 sites for rezoning in the Industrial/Institutional Area and confirms the existing industrial zoning or residential zoning for institutional uses. The goal of the Sector Plan is to preserve existing businesses and resources valuable to the down-county and regional economies.

Ride-On Bus Depot

Text in Sector Plan: page 88

Map in Sector Plan: page 88

Site number: 11a

Existing Zoning: R-60

Proposed Zoning: IM 2.5, H 50

Committee Recommendation: Support the Sector Plan recommendations.

Plan Recommendations: The Plan recommends changing the R-60 zoning to industrial zoning to better reflect the existing and planned use for the site as a Ride On Bus Depot.⁴ Should the depot ever relocate, this would be an appropriate location for industrial uses.

Testimony: At least one individual suggested allowing mixed-use development here instead of east of the Purple Line.

⁴ The County used to zone all public uses R-60, regardless of the nature of the use. The Council now places the appropriate zone on the property to enable the correct use if the government facility relocates.

Staff Comments: Support the Sector Plan recommendations. This site is needed for the Bus Depot in the short and long term and Staff does not support the suggestions to zone it to allow for mixed-use redevelopment.

County-Owned Land

Text in Sector Plan: page 88

Map in Sector Plan: page 88

Site number: 11b

Existing Zoning: R-60

Proposed Zoning: CRT 2.0, C 0.5, R 2.0, H 75

Committee Recommendation: Support the Master Plan recommended zoning. Add language describing the potential that the EYA/HOC joint venture may seek to provide housing in addition to the State and County uses on the site.

Plan Recommendations: This land is owned by the County and is the proposed location for the Lyttonsville Station Maintenance Facility and a parking garage for County employees. The Sector Plan recommends CRT zoning on this site to allow a potential mixed-use development that would include the needed government facilities, as well as new development with a residential focus. This could occur if the County parking proposed for the site could be accommodated in an underground garage or elsewhere.

Testimony: EYA supported the proposed zoning for this property and hopes to create a mixed-use development here with a focus on housing. EYA believes it can accommodate necessary employee parking in an underground garage. The Council received testimony suggesting that this property be swapped with other properties east of the Purple Line to allow development here and a park on the properties southeast of the rail tracks.

Staff Comments: The Committee supported the prospect of affordable housing on this site if it can be accommodated with the existing County and State uses that will continue to be located here. Staff recommends the following change in the Sector Plan to describe this potential:

If it is possible to accommodate the existing State and County uses and also allow for some new development, this site may provide an opportunity for HOC, together with a private developer, to place some income-restricted affordable housing at this site (resulting in 25% to 30% affordable housing on HOC properties combined).

[Provide for 12.5% to 25% affordability on site.]

Miscellaneous Industrial Businesses

Text in Sector Plan: page 89

Map in Sector Plan: page 88

Site number: 12

Existing Zoning: R-60 (parking)

Proposed Zoning: IM 2.5, H 50

Committee Recommendation: Support the Sector Plan recommendations.

Plan Recommendations: The Plan recommends rezoning these parking lots that serve industrial business operations from R-60 to IM.⁵ This will provide consistent zoning and eliminate confusion on these sites.

Testimony: None.

Staff Comments: Staff supports the Sector Plan recommendations.

ENVIRONMENT

Committee Recommendation: Modify wording related to green roofs and stormwater management waivers (discussed below).

Pages 32-35 present the environmental recommendations in the Plan. Appendix D provides supporting back-up detail. This section of the Plan focuses on Water Quality, Ecology, and Energy. The section on Water Quality (page 33) includes recommendations to integrate visible environmental site design strategies, use permeable pavers where feasible, utilize environmental site design for parks and open space, provide stream buffers, and have redevelopment projects meet or exceed all stormwater management requirements.

The section on Ecology (page 34) includes recommendations related to tree planting, green roofs, and tree canopy. The section on Energy (page 35) includes recommendations to provide and improve alternatives to automobile travel, utilize whole building design, facilitate reuse and/or recycling of existing building material and consider recycled materials, locally sourced and produced materials, and/or local construction labor for new and renovated buildings.

Testimony: EYA submitted testimony to the Council asking that the Plan be revised to indicate that green roofs are only required on concrete structures that can support them. **Staff recommends revising the Sector Plan language to clarify requirements for green roofs.** They also expressed concern regarding the last bullet on page 33, which appears to state that developers in Lyttonsville would not be eligible for stormwater management waivers and that “redevelopment projects must meet or exceed all County stormwater management requirements.” Instead, they suggest the Sector Plan state, “Encourage multitude of stormwater management measures in effort to maximize treatment of stormwater management.” The Plan does not identify why there should be different standards for Lyttonsville than elsewhere in the County.

⁵ At one time, the County zoned all parking lots R-60, but has changed its zoning strategy and now zones parking the same as the property the parking serves.

Staff Recommendations: The Committee concurred with Staff that some language within the environmental chapter was problematic and needed to be written and asked Staff to work further on this issue. Staff recommends the following changes:

Modify the first bullet under B. Recommendations, which encourages 6” green roofs without regard to construction type.

Intensive green roofs [(6 inches or greater) (with the maximum depth supportable based on the type of construction to maximize water treatment and species diversity).

Modify the last bullet on page 33, which does not allow for Stormwater management waivers with the following:

[Stormwater management waivers are often sought by developers during the redevelopment process. Since waivers limit stormwater benefits in already impaired watersheds, redevelopment projects must] The area is home to a high number of industrial uses, existing poor water quality and is in close proximity to many natural resources. As such, the Sector Plan discourages stormwater management waivers and encourages a multitude of site and building design measures to maximize treatment of stormwater run-off and meet or exceed [all] County stormwater management requirements wherever possible.

COMMUNITY FACILITIES

Committee Recommendation: Support the Sector Plan recommendations and the recommendation for an ongoing assessment by the Department of Recreation of the need to expand Coffield Center programming and/or facilities as redevelopment occurs.

Pages 36-39 present the Community Facility recommendations in the Plan. The Committee considered the recommendations related to schools at its first worksession. Other facilities are discussed on pages 38-39. The Plan notes that the new Silver Spring Library serves the planning area. Montgomery County Public Libraries submitted comments suggesting a far more detailed description of the library facilities and collections, but this is not typical for master plans and Staff does not recommend it be added. Page 38 discusses the Gwendolyn E. Coffield Community Center. Several residents testified that they believe the new development would require the expansion of this center, which is acknowledged in the Plan:

At present, neither renovations nor expansions are recommended for the Gwendolyn E. Coffield Community Center; however, the ongoing needs of the center are assessed by the Montgomery County Department of Recreation on an annual basis and there may be a need for additional programming and/or a larger facility as redevelopment occurs within the Plan area.

As the Council has frequently confirmed, it is the operating department’s ongoing assessments and not master plans that determine the need for facility expansion.

The Fire Chief has proposed some technical corrections to the section on Public Safety on page 38 which staff will include in the resolution. Page 39 of the Plan describes the military facilities in the planning area and the National Museum of Health and Medicine.

PARKS AND OPEN SPACE

Committee Recommendation: Support the Sector Plan recommendations, but clarify that the language on page 60 is a generic hierarchy.

Pages 59-61 present the Parks and Open Space recommendations in the Plan. This section describes the existing parks and open spaces and makes recommendations for a new urban greenway park, 2 new civic greens, a civic plaza and a neighborhood green. The Plan also presents recommendations that result in increasing the size of Rosemary Hills-Lyttonsville Local Park. All of these improvements are associated with redevelopment. As noted earlier in this memorandum, some of these improvements are not likely to occur in the life of the Sector Plan because redevelopment is also not likely to occur during this time.

The Council received testimony from EYA objecting to the language on page 60 of the Plan that indicates that the civic green should be ½ to 2 acres, since the Planning Department had agreed that the civic green could be 1 acre. The language on page 60 is generic language not specific to Lyttonsville and the Sector Plan should be amended to indicate this.

Staff Recommendation: The Committee was sympathetic to the EYA concern that the generic hierarchy on page 60 was inconsistent with the specific recommendations for their property. Department of Parks recommends eliminating the specific size reference on page 60 as follows:

- *[A] One or more central “civic greens” urban park (Chapter 3), [ranging in size from ½ to 2 acres, depending on projected densities,] located in close proximity to a public transit facility, next to activating uses, with a mixture of hard and soft surfaces, including a central lawn area for events. (The Lyttonsville Sector Plan recommends new central civic greens, one near each Purple Line transit station, at the time each of the following sites redevelops: 1) the WSSC property; and 2) Summit Hills.*

COMMUNITY DESIGN

Committee Recommendation: Support the Sector Plan’s recommendations related to Community Design.

Pages 62-65 present recommendations related to the Public Space Network, Building Form and Compatibility, and Placemaking. These community design goals and recommendations will be further detailed in the Community Design Guidelines and Streetscape Standards for the Greater Lyttonsville Sector Plan area. The Plan’s recommendations for placemaking appear to address the comments the Council heard in testimony regarding Lyttonsville’s “rich identity and strong community ties” and the importance of design in evoking a sense of place and “making the area’s character recognizable to those who live, work, and visit this unique community.”

IMPLEMENTATION

Committee Recommendation: Revise the Public Benefits section of the Sector Plan to make Affordable Housing the highest priority and revise the Partnerships section to include affordable housing partners.

Pages 93-105 present the Implementation recommendations in the Plan. This chapter addresses Zoning (including public benefits in the CR and CRT zones), the Capital Improvements Program, Partnerships, Retention of Industrial Businesses, and Sustainability. The section on public benefits does not mention the provision of affordable housing, which is a critical tool to enable the Planning Board to implement the Plan's recommendations. The Plan lists priority benefits for major public facilities; connectivity; protection and enhancement of the natural environment; and wayfinding and public art. In response to the Committee request, Planning Department Staff propose the following new language:

Top Priority Benefits

The following public benefits are of highest priority in all optional method projects:

- *Retaining the affordability of this community and encouraging diverse housing is a key component of the Greater Lyttonsville Plan. Provided that affordable housing continues to be a public benefit under the CRT zone, it should be the highest priority benefit. This Plan recommends that optional method development in the Plan area should be allowed only if it delivers affordable housing benefits consistent with the specific recommendations presented in the property specific recommendations presented in this Sector Plan. Goals include an increased number of MPDUs, preservation of existing market-rate affordable housing, and/or a range of unit sizes including larger, family-sized units.*

The Section on Partnerships does not identify the affordable housing partners that currently serve the area, and they should be included here. On pages 101-103, the Plan presents an economic profile of the Brookville Road industrial district and various strategies to support the district and continue to make it affordable, accessible, and practical for both traditional industrial enterprises and entrepreneurs establishing new businesses, including retail-industrial hybrid uses.